

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 19-mc-50258

Hon. Avern Cohn

v

JOSEPH DELFGAUW,

Defendant,

and

STATE OF MICHIGAN  
DEPARTMENT OF TREASURY,

Garnishee.

\_\_\_\_\_/

**WRIT OF CONTINUING GARNISHMENT**

GREETINGS TO: Michigan Department of Treasury  
Third Party Withholding Unit  
P.O. Box 30785  
Lansing, Michigan 48909

An application for Writ of Continuing Garnishment against the property of JOSEPH DELFGAUW, whose Social Security No. is \*\*\*-\*\*-5883, has been filed with this Court. A judgment has been entered in Case No. 18CR20030 01, and there is presently owing the amount of \$80,100.00, exclusive of costs and post-judgment interest, computed through February 21, 2019, from Defendant, JOSEPH DELFGAUW, whose attorney's address is: Eric A. Ladasz, 25121 Ford Road,

Dearborn, MI 48128. The United States is represented by Jacqueline M. Hotz, United States Attorney's Office, 211 West Fort, Suite 2001, Detroit, Michigan 48226. **You are required by law to answer in writing, under oath, within ten (10) days, whether or not you have, or may in the future have, in your custody, control or possession, any property owned by the debtor, including non-exempt, disposable earnings.**

You must file the original written answer to this writ within ten (10) days of your receipt of this writ with the United States District Court Clerk at: Theodore Levin Courthouse, 231 West Lafayette, 5<sup>th</sup> Floor, Detroit, Michigan 48226. Additionally, you are required by law to serve a copy of your answer to this writ upon the debtor, JOSEPH DELFGAUW, whose attorney's address is: Eric A. Ladasz, 25121 Ford Road, Dearborn, MI 48128 and upon the attorney for the Government: Jacqueline M. Hotz, United States Attorney's Office, 211 W. Fort, Suite 2001, Detroit, 48226.

Pursuant to the provisions of Section 3613(a) of Title 18, there may be property which is exempt from this Writ of Garnishment. All non-exempt property belonging to JOSEPH DELFGAUW, including but not limited to twenty-five percent (25%) of the non-exempt disposable earnings currently owed and owed in the future to JOSEPH DELFGAUW, must be withheld from and retained by you pending further order of the Court.

If you fail to answer this writ or withhold property in accordance with this writ, the United States of America may petition the Court for an order requiring you to appear before the Court. If you fail to appear or do appear and fail to show good cause why you failed to comply with this writ, the Court may enter a judgment against you for the value of the debtor's non-exempt property.

It is unlawful to pay or deliver to the defendant any item attached by this writ. Additionally, you may be held liable for a reasonable attorney's fee to the United States of America. Questions are to be directed to Jacqueline M. Hotz, United States Attorney's Office, 211 W. Fort Street, Suite 2001, Detroit, Michigan 48226.

DAVID WEAVER  
UNITED STATES DISTRICT COURT CLERK  
EASTERN DISTRICT OF MICHIGAN

By: \_\_\_\_\_  
Dated: Deputy Clerk

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**CLERK'S NOTICE OF GARNISHMENT**

You are hereby notified that a garnishment is being taken by the United States of America which has a judgment in Case No. 18CR20030 01 in the United States District Court for the Eastern District of Michigan, Southern Division in the sum of \$82,100.00. A balance of \$80,100.00, exclusive of accrued interest, remains outstanding.

In addition, you are hereby notified that there are exemptions under the law which may protect some of the property from being taken by the Government if JOSEPH DELFGAUW can show that the exemptions apply.

The exemptions that apply are those identified in Section 3613 of Title 18.

You have a right to ask the Court to apply any exemption to which you feel you are entitled. You have a right to ask the court to return your property to you if you think you do not owe the money to the Government that it claims you do, or if you think the property the Government is taking qualifies under one of the above exemptions.

**If you want a hearing, you must notify the court within 20 days after receipt of the notice. Your request must be in writing.** If you wish, you may use the request for hearing included in this package. You must either mail it or deliver it in person to the Clerk of the United States District Court at Theodore Levin Courthouse, 231 W. Lafayette, 5<sup>th</sup> Floor, Detroit, Michigan 48226. You must also send a copy of your request to Jacqueline M. Hotz, United States Attorney's Office, 211 W. Fort St., Suite 2001, Detroit, Michigan 48226 notifying the Government that you want a hearing.

The hearing will take place within 5 days after the Clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible.

**At the hearing you must be prepared to explain to the judge why you think the Government is not entitled to the funds garnished.**

You will receive a copy of the answer, as prepared by the Garnishee. **If you do not agree with the information as set forth by the garnishee you may request a hearing. If you want a hearing, you must notify the court within 20 days after receipt of the answer. Your request must be in writing.**

If you wish, you may use the request for hearing included in this package. You must either mail it or deliver it in person to the Clerk of the United States District Court at Theodore Levin Courthouse, 231 W. Lafayette, 5<sup>th</sup> Floor, Detroit, Michigan 48226. You must also send a copy of your request to the Garnishee and to Jacqueline M. Hotz, United States Attorney's Office, 211 W. Fort St., Suite 2001, Detroit, Michigan 48226 notifying the Government that you want a hearing.

The hearing will take place within 5 days after the Clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible. At the hearing you may explain to the judge why you object to the information contained in the answer.

**If you think you live outside the Federal judicial district in which the court is located, you may request, not later than 20 days after you receive this notice, that this proceeding be transferred by the court to the Federal judicial district in which you reside.** You must make your request in writing, and either mail it or deliver it in person to the Clerk of the Court at Theodore Levin Courthouse, 231 W. Lafayette, 5<sup>th</sup> Floor, Detroit, Michigan 48226. You must also send a copy of your request to Jacqueline M. Hotz, United States Attorney's Office, Financial Litigation Unit, 211 W. Fort Street, Suite 2001, Detroit, Michigan 48226.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer or an office of public legal assistance. *The Clerk or the Court is not permitted to give legal advice, but can refer you to other sources of information.*

DAVID WEAVER  
UNITED STATES DISTRICT COURT CLERK  
EASTERN DISTRICT OF MICHIGAN

Dated: By: \_\_\_\_\_  
Deputy Clerk